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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,033	03/11/2004	William M. Eppard	6215/CONT	4646

7590 09/09/2005
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EXAMINER

CLEMENT, MICHELLE RENEE

ART UNIT PAPER NUMBER

3641

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/797,033	Applicant(s) EPPARD ET AL.	
	Examiner Michelle (Shelley) Clement	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8-11 and 22 is/are rejected.
- 7) ☒ Claim(s) 5-7,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species of Figure 8 and Figure 7 in the reply filed on 6/14/05 is acknowledged.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8, 9, 10, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Arizpe-Gilmore (US Patent # 5,287,643). Arizpe-Gilmore discloses a shooting rest (column 1, lines 5-10) comprising a mounting bracket (reference 11) for securing the shooting rest to a structure, an arm comprising a first portion (reference 10) and a second portion (reference 7), the first portion being pivotally attached to the mounting bracket (the mounting bracket/pins 11 can either be pivotally attached to member 10 or member 2', the result is the same), the second portion extending away from the mounting bracket and forming a branched support/branched connector at an end opposite the bracket (Figure 2), the branched support/connector having a base portion (reference 13), first fork and a second fork (Figure 2), the second portion of the arm and the branched support/connector extending in use in a common plane (the plane is horizontal

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relative to where the rest is placed and therefore does not structurally differentiate the current application from that of the prior art) and a cradle (reference 16) suspended between the first fork and the second fork. The length of the arm is adjustable (column 2, lines 65-68) and the branched support is Y-shaped (Figure 2).

4. Claims 1, 2, 4, 9, 10, 11, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. (US Patent # 6,484,913). Hancock et al. discloses an article support that can be used as a shooting rest comprising a mounting bracket (Figure 3) for securing the shooting rest to a structure, an arm comprising a first portion (reference 88) and a second portion (reference 106), the first portion being pivotally attached to the mounting bracket, the second portion extending away from the mounting bracket and forming a branched support/branched connector at an end opposite the bracket (reference 98), the branched support/connector having a base portion, first fork and a second fork, the second portion of the arm and the branched support/connector extending in use in a common horizontal plane and a cradle (Figure 4) suspended between the first fork and the second fork. The branched support is Y-shaped. A first cord end suspends the cradle and at an opposite end by a second cord end, the first cord end associated at an end opposite the cradle to the first fork and the second cord end associated at an end opposite the cradle to the second fork. The mounting bracket comprises an upper portion (reference 50) having an opening for receiving a screw for attaching the mounting bracket to a structure, a lower portion for engaging the arm (reference 86), and a back portion connecting the upper portion to the lower portion (reference 70).

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Allowable Subject Matter

5. Claims 5-7, 18, and 20 are objected to as being dependent upon a rejected base claim, but would possibly be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams (US Patent # 6,793,108), Gates et al. (US Patent # 6,588,637), Nicholson (US Patent # 834,748), Kunevicius (US Patent # 5,857,651), Ormond (US Patent # 3,381,406), Klosterman (US Patent # 5,769,372), Gorsuch (US Patent # 6,059,240), Kester (US Patent # 2,847,909), and Cady (US Patent # 5,628,135).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

